

September 11, 2002

**COMBAT VETERANS ARE ELIGIBLE FOR MEDICAL SERVICES FOR  
2-YEARS AFTER SEPARATION FROM MILITARY SERVICE  
NOTWITHSTANDING LACK OF EVIDENCE FOR SERVICE CONNECTION**

**1. PURPOSE:** This Veterans Health Administration (VHA) Directive establishes the policy and procedures for offering hospital care, medical services, and nursing home care to recent combat veterans for a 2-year period beginning on the date of the veteran's discharge for any illness, notwithstanding that there is insufficient medical evidence to conclude that their illness is attributable to their military service.

**2. BACKGROUND**

a. VA has the authority to provide medical care and other medical services to combat veterans even in the absence of proof of service connection. Title 38, United States Code (U.S.C.), Section 1710(e)(1)(D) specifies that the Department of Veterans Affairs (VA) may provide health care for a 2-year period to veterans who served on active duty in a theater of combat operations during a period of war, after the Gulf War or in combat against a hostile force during a period of "hostilities" after November 11, 1998, in accordance with the guidelines issued by the Under Secretary for Health. "Hostilities" is defined as conflict in which the members of the Armed Forces are subjected to danger comparable to the danger to which members of the Armed Forces have been subjected in combat with enemy armed forces during a period of war. Although VA appreciated that the wounds of military conflict are not always obvious, and that unexplained or difficult to diagnose illnesses are often associated with military conflicts, in the past the paucity of scientific knowledge regarding the relationship between military deployment and human health hindered VA's ability to establish the required connection between military service and veterans' health problems. This new statutory 2-year period also allows for the collection of basic health information to aid in the evaluation of specific health questions such as difficult to explain illnesses.

b. To determine whether a period of hostilities is within the scope of this special authority, VA relies upon the same citation and criterion used to determine eligibility for VA Readjustment Counseling Service contained in Title 38, U.S.C., Section 1712A, as it applies to veterans in service after November 11, 1998.

c. National Guard and Reserve personnel who were activated and served in a theater of combat or in combat against a hostile force may also be eligible. Many activated reserve and National Guard personnel lose routine access to military health care and assistance as soon as they leave active duty, and may require VA services immediately. National Guard and Reserve personnel are eligible for VA health care if they were ordered to active duty by a federal declaration, serve the full period for which they were called or ordered to active duty, and released or discharged from active duty under other than dishonorable conditions.

**3. POLICY:** It is VHA policy, in accordance with Title 38, U.S.C., Section 1710(e)(1)(D), veterans who served in combat operations during a period of war after the Gulf War, or in combat against a hostile force after November 11, 1998, must be provided hospital care, medical services, and nursing home care for any illness (exceptions are found in subpar. 4a(1)(a)) for a

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2-year period following separation from military service, notwithstanding that there is insufficient medical evidence to conclude that such condition is attributable to such service.

**NOTE:** *Veterans under this authority may be enrolled as priority category 6, and are not be subject to co-payments for care provided under this authority.*

### 4. ACTION

a. Medical center directors are responsible for ensuring that:

(1) Veterans who served in combat operations during a period of war after the Gulf War, or in combat against a hostile force after November 11, 1998, are provided with hospital care, medical services, and nursing home care for any illness (see subpar. 4a(1)(a) for exceptions), for a period of 2 years following separation from military service, notwithstanding that there is insufficient medical evidence to conclude that such condition is attributable to such service. **NOTE:** *The 2-year eligibility period begins on the separation date of the service member from active duty military service, in accordance with Title 38, U.S.C., Section 1710(e)(1)(D).*

(a) Such care may not be provided with respect to a disability that is found to have resulted from a cause other than the military service in combat operations. Combat veterans seeking treatment for health conditions claimed to be related to combat operations are to be evaluated clinically by means of a physical examination and appropriate diagnostic studies. In making this determination, the physician must consider that the following types of conditions are not ordinarily considered to be due to occupational or military activities:

1. Congenital or developmental conditions, e.g., scoliosis.
2. Conditions which are known to have existed before military service.
3. Conditions having a specific and well-established etiology and that began after military combat service, e.g., bone fractures occurring after separation from military service, a common cold, etc.

(b) Although the types of conditions listed in subparagraph 4a(1)(a) are not ordinarily considered to be due to combat service, if the staff physician finds that a veteran requires care under this provision for one or more of those conditions, the physician is to seek guidance from the facility Chief of Staff (COS) and the Registry Physician (RP) regarding the authorization for treatment. The decision and its basis must be clearly documented in the medical record and chart by the RP.

(2) Requests for medical services under this authority that do not meet the local VA Regional Office, as the veteran may still qualify for such services if the veteran's DD Form 214 shows award of an Armed Service Expeditionary Medal. **NOTE:** *Both active duty, Reservists and National Guard who were activated to a combat mission and then are subsequently separated from active duty will receive a DD Form 214, which may indicate such an award.*

(3) Eligible veterans from National Guard and Reservist forces who were activated and served during hostilities are provided these services. Except for specified exceptions, National

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Guard and Reserve personnel are eligible for VA health care under this authority if they were ordered to active duty by a federal declaration, serve the full period for which they were called or ordered to active duty, and released or discharged from active duty under other than dishonorable conditions. Title 38, U.S.C., Section 5303A, sets out in general the minimum active-duty service requirements that must be satisfied for eligibility for or entitlement to any benefit under Title 38 or any other law administered by the Secretary of Veterans Affairs. Those eligibility requirements are based on the length of active duty served by a person who initially entered into such service after September 7, 1980. **NOTE:** *Questions about eligibility in the event that a reservist states that the period of active duty was shortened by DOD directive and not by a personal decision may be directed to Health Administration Service and/or Regional Counsel.*

b. Some combat veterans eligible for Readjustment Counseling Services are to be provided services under the criterion used to determine eligibility for VA Readjustment Counseling Service contained in Title 38, U.S.C., Section 1712A, as it applies to veterans in service after November 11, 1998.

(1) Veterans who served in the former Republic of Yugoslavia, including Bosnia and Kosovo, are eligible for Readjustment Counseling Services, and therefore the services under this authority. This eligibility is defined in VA Memorandum "Eligibility for Veteran Returnees from the Former Republic of Yugoslavia," from the Deputy Under Secretary for Health, to the Secretary of Veterans Affairs, dated April 26, 2000. That memorandum authorizes readjustment counseling services for such veterans, as demonstrated by Armed Forces Expeditionary Medals for one or more of three operations: Operation Joint Endeavor, Operation Point Guard, or Operation Joint Forge.

(2) New groups of veterans who serve in combat after November 11, 1998, who are found to be eligible for Readjustment Counseling Service are considered eligible for health care and other services.

## 5. REFERENCES

- a. Title 38, U.S.C., Section 1710 and 1712A.
- b. VA Memorandum, "Eligibility for Veteran Returnees from the Former Republic of Yugoslavia," signed by the Deputy Under Secretary for Health, addressed to the Secretary of Veterans Affairs, dated April 26, 2000.
- c. Title 38, U.S.C., Section 5303A.
- d. VHA Handbook 1302.1, August 17, 2001, "Agent Orange Registry (AOR) Program Procedures."

**6. FOLLOW-UP RESPONSIBILITY:** The Chief Public Health and Environmental Hazards Officer (13) is responsible for the contents of this directive. Questions about this service should be addressed to the Environmental Agents Services (131) at (202) 273-8579.

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**7. RESCISSIONS:** None. This VHA Directive expires September 30, 2007.

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